



ELEMENT SIX

DATA AND INFORMATION COLLECTION AND MAINTENANCE

(29 CFR 37.54(d)(1)(iv) and (vi))
(29 CFR 37.37 – 37.41 and 29 CFR 37.53)

Washington State addresses how it and its recipients are complying and will continue to comply with the requirements of 29 CFR 37.37 through 37.41 related to data and information collection and maintenance.

Background

Washington State has ensured that policies and procedures for data collected for job seekers, employers and agency employees are established and maintained for all WIA Title I financially assisted state programs. ESD also maintains and annually updates a Data Information/Technology Security plan through the Department of Information Services. This is to ensure that data collected is secure and provides contingency plans for unexpected failures. The Washington State Employment Security Department currently maintains two data systems that capture, store and report information considered confidential and which fall under the guidelines and requirements for our policy and procedures, as well as the Technology Security Plan.

Data Collection

All agency systems have been modified to meet the requirements for capturing and reporting EO data elements. While UI EO data reports are still produced quarterly from the General Unemployment Insurance Development Effort (GUIDE) system and WorkSource reports are available from the Services Knowledge Information and Exchange System (SKIES) on an ad hoc basis, standardized reports are under development.

ESD data, including employee information, are captured in the following systems:

GUIDE	General Unemployment Insurance Development Effort, for tracking unemployment insurance benefits and claimant activities. (Attachment 6C)
HRIS	Human Resources Information System, for capturing and maintaining records for agency employees. (Attachment 6E)



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SKIES Services Knowledge and Information Exchange System (SKIES), an MIS system for tracking WIA Title I and TAA/NAFTA participants, and a case management tool for the One-Stop WorkSource statewide structure for Washington State. This is a job matching, case management and information-tracking system that supports the collection of data used for reporting purposes. The SKIES application has been developed to meet the EO reporting requirements identified in 29 CFR 37.37 through 37.41. (Attachments 6A-1 and 6A-2)

Washington State's WorkSource delivery system is compliant with 29 CFR 37.37 through 37.41 in the collection of the required EO statistical data at the point at which the job seeker/client is "registered" or the person hired becomes an employee of the agency or its partnerships. (Attachments 6P-1 and 6P-3)

Policies, procedures and security plans are in place to safeguard collected information pertaining to specific job seekers, program participants, enrollees, benefit claimants, employers and agency/partnership employees. These policies, procedures and plans are reviewed and modified, if necessary, on an annual basis. Data is accessible only to program managers, program monitors, case managers, and a limited number of other "authorized" personnel needing access to these systems to provide direct services. (Attachments 6D and 6M)

The GUIDE system, which is used to process unemployment claims, collects demographic information as required by the Civil Rights Center. This information includes the following information about each claimant:

- Race/ethnicity
- Sex
- Age
- Disability status

This information is confidential and is used for the purposes of record keeping and reporting and determining program compliance with nondiscrimination requirements. Information about race, sex, age and disability is obtained from UI applicants at the time they file for benefits. This information is entered into an automated applicant tracking system and is provided on a voluntary basis by claimants. Ethnicity designations will be upgraded to comply with new requirements to include both race and ethnicity. (Attachment 6N)



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Claimant information is automatically transferred to our job registration system unless the claimant requests to be excluded. Access to this information is limited to those persons with a legitimate business need to access the systems. Access and use of information maintained by the Employment Security Department is covered in the following Policies and Procedures:

- ESD Policy and Procedure Number 0006, Request for Public Records/Disclosure and Privacy of Information and Records (Attachment 6L-2);
- ESD Policy and Procedure Number 0029, On-Line or Bulk Data/Information Policy, covering the confidentiality of information obtained by the Employment Security Department (Attachment 6L-2);
- ESD Policy and Procedure Number 1016, Employee Conduct (Attachment 6M); and
- ESD Policy and Procedure Number 2010, Mainframe Security (Attachment 6L-2).

ESD Policy and Procedure Number 1016, Employee Conduct, page 8, states that the penalty for failure to comply with the requirements for confidentiality of data will be grounds for nothing less than disciplinary action, up to and including dismissal. (Attachment 6M)

Data Storage and Reports

Since the inception of WIA on July 1, 2000, state administrators and the twelve Workforce Development Councils have had two access portals to information to analyze compliance with 29 CFR Part 37. Data/Flex described above has its own query capability. In addition, an Agency Data Warehouse/MART has extracted and archived participant data that includes the required EO data elements. These are organized by the U.S. DOL WIASRD standards. Archived JTPA data is available for the conversion protocol used for race and ethnicity. (Attachment 6I)

The data stored are designed to allow CRC to conduct specific statistical/quantifiable data analyses upon request. Administrative management uses the data monthly to monitor for participant activity. The data is reported to the U.S. DOL quarterly according to the individual program's reporting requirements. The public and employers can also access non-confidential consolidated information for use in complaint or eight-point affirmative action analysis. Samples are included in the documentation for Element 7.

UI managers in the TeleCenters and UI Division staff generate automated statewide equal opportunity reports. The reports compile information about individuals by race/ethnicity, gender, age, and disability status. These reports are examined to determine whether groups are represented substantially in the same proportion after decision points, such as denials for benefits. When there are instances of disparities in



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representation, the disparities are discussed with program management. This information is shared with the ESD/State EO Officer. The ethnicity of the claimant is now included in these reports. (Attachment 6N)

Self-Service and Monitoring

Clients who use only the self-service features of the WorkSource System are not registered. WorkSource Washington has a business need to know if clients who utilize only self-service find jobs. Additionally, there is concern about whether or not clients are experiencing barriers (e.g., language barriers, physical barriers, etc.) and whether or not the clients' right to privacy is maintained. These clients are asked to voluntarily provide their names and social security numbers in order to cross-match use of self-service with wage records to determine if clients entered employment as a result of self-service. The request for this minimal information is consistent with the Governor's Executive Order that Washington State agencies respect clients' privacy and ask for the least amount of personal information possible while still providing services. (Attachments 6G and 6H)

Local EO Officers observe self-service activity, meet with and interview staff members regarding their observations and review, and identify corrective action, if necessary. The State/ESD EO Officer, in conjunction with the local EO Officers, will also monitor self-service. See Element 7.

Logs

Each local area and the state maintains a log of complaints filed that allege discrimination on the basis of race, color, religion, sex, national origin, age, disability, political affiliation, belief, citizenship and/or participation in a WIA Title I financially assisted program or activity. See Attachment 6F-1 for a sample copy of a log. These records are maintained for a period of three (3) years. Instructions are incorporated into policy directions and are included in Attachments 6F-1 and 6F-2. Also see Element 8.

Records

Records, particularly those containing medical condition information, are securely kept separate and apart from other information and, in addition, are kept confidential. Samples of instructions for collection and separation are included in Assurances. See Elements 3 and 5. Also see Attachment 2O in Element 2, State Operations Plan, regarding "Maintenance of Records"; Element 5 for the Reasonable Accommodation Policy; and State Policy Guidelines. (Attachments 6G, 6H, 6I, 6J-1, 6J-2, 6K, 6L-1, 6L-2, and 6P-2)



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Records are maintained for at least three years, in compliance with state and federal regulatory requirements. Audit standards and OMB A133 compliance requirements ensure that records are maintained for the correct amount of time and meet the confidentiality requirements of the CRC. Audit reports are reviewed as a supplement to the regular monitoring and oversight. If an entity were found to be out of compliance, corrective administrative actions would be required. (Attachments 6J-1, 6J-2, and 6K)

Enforcement Actions

The Director of CRC will be informed of all administrative enforcement actions or lawsuits that allege discrimination on one or more of the bases outlined above and prohibited by WIA Section 188.



Documentation

Attachments for Element Six

- 6A 1-SKIES Data Elements and Screens at the Initial Collection Point
2-SKIES Flowchart and Description
- 6B WIA and Welfare-to-Work Registration Form and Instructions, pages 1-11/Copy of the Report
- 6C Intake Script for Data Collection and Sample Reports/Unemployment Insurance
- 6D Data Sharing Instructions/Unemployment Insurance
- 6E HRIS Data Analysis for an Employee
- 6F 1-Discrimination Complaint Log
2-Instructions
- 6G Governor's Executive Order No. 00-03 Public Records Privacy Protection
- 6H Agency's Response to Public Records Privacy Protection
- 6I ESD Data Warehouse Data Dictionary
- 6J 1-Records and Reports: Sample of Local Partner Ordinance on Record Retention
2-RCW 50.13 Records and Information – Privacy and Confidentiality
- 6K WIA Policy Number 3415, Records: Retention and Public Access
- 6L 1-Revised Code of Washington (RCW) Chapter 40.14 RCW – Preservation and Destruction of Public Records
2-ESD Policies for Compliance
- 6MESD Policy and Procedure Number 1016 – Employee Conduct
- 6N Equal Opportunity Data for Adjudication Center, GUIDE



Documentation

Attachments for Element Six - Continued

6O Washington Administrative Code (WAC) 162-12-140 – Pre-employment Inquiries

1-SKIES – Seeker Program – Enrollment Validation

2-SKIES – Assessment, includes Health Instructions, page L131

3-SKIES – Core Services